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GENERAL ASSEMBLY
Forty-fifth session
Items 92, 103, 109, 112 and 113
of the preliminary list*
EFFECTIVE IMPLEMENTATION OF UNITED NATIONS
INSTRUMENTS ON HUMAN RIGHTS AND
EFFECTIVE FUNCTIONING OF BODIES
ESTABLISHED PURSUANT TO SUCH INSTRUMENTS
CRIME PREVENTION AND CRIMINAL JUSTICE
ELIMINATION OF ALL FORMS OF RELIGIOUS
INTOLERANCE
TORTURE AND OTHER CRUEL, INHUMAN OR
DEGRADING TREATMENT OR PUNISHMENT
ENHANCING THE EFFECTIVENESS OF
THE PRINCIPLE OF PERIODIC AND
GENUINE ELECTIONS

SECURITY COUNCIL
Forty-fifth year

Letter dated 6 April 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General

I have been instructed by my Government to draw your attention to the attached extract from Country Reports on Human Rights Practices For 1989, published by the Department of State of the United States of America, which contains information on the situation concerning human rights in Cuba. I have underlined passages of special relevance (see annex).

In view of the importance of this information, I have the honour to request that the text of the present letter and its annex be issued as an official document of the General Assembly, under items 92, 103, 109, 112 and 113 of the preliminary list, and of the Security Council.

(Signed) Johanan BEIN
Ambassador
Acting Permanent Representative

* A/45/50.

ANNEX*

101st Congress
2d Session

JOINT COMMITTEE PRINT

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1989

REPORT

SUBMITTED TO THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

AND THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

BY THE

DEPARTMENT OF STATE

IN ACCORDANCE WITH SECTIONS 116(d) AND 502B(b) OF THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

FEBRUARY 1990

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* Underlining has been added by the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations.

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CUBA

Cuba is a totalitarian state dominated by a single person, Fidel Castro, who is Chief of State, head of Government, leader of the Communist Party, and Commander-in-Chief of the Armed Forces. With support from a few long-time associates, President Castro exercises control over nearly all aspects of Cuban life through a network of directorates ultimately responsible to him through the Communist Party. The party is the only legal political entity and is headed by a self-perpetuating elite. All government positions, including judicial offices, are controlled by the party. Elections are held only to endorse party-approved candidates; there was one isolated exception in 1989 (see Section 3). Though not a formal requirement, party membership is a de facto prerequisite for high-level official positions and professional advancement in most areas.

The Ministry of Interior (MININT) is the principal organ of repression and of totalitarian control. It operates border and police forces, orchestrates public demonstrations, determines the legality of associations, investigates evidence of nonconformity, regulates migration, and maintains pervasive vigilance through a series of mass organizations and informers. The Ministry underwent structural reorganization in 1989 and is now under de facto control of the Revolutionary Armed Forces (FAR). The mass organizations attempt to extend government and Communist Party control over each citizen's daily activities at home, work, and school. Citizens are exhorted to ensure ideological conformity and to report deviation.

The Cuban economy is highly centralized and managed by a group of advisors close to President Castro. The Government controls the means of production and is virtually the country's sole employer. In the late 1970's, Cuba began to use market mechanisms, but in 1986 the Government reversed course and began the ongoing "rectification of errors" campaign. It sought to stamp out an emerging informal private sector while promoting antimaterialist "socialist morality." The abandonment of the liberalization program in favor of more orthodox Communist policies has played a major role in the Cuban economy's recent stagnation. In 1989 this campaign of Marxist economic orthodoxy caused sharp conflicts with Cuba's reform-minded socialist trading partners.

Cubans do not possess equal protection under the law, the right to freely choose government representatives, freedom of expression, freedom of peaceful assembly and association, or freedom to travel to and from Cuba without restriction. There is no independent judiciary, due process safeguards can be and are constitutionally circumvented, and defense attorneys face severe disadvantages under the judicial system. Aside from the churches, which themselves are monitored by the party, there is virtually no institutional autonomy in Cuban society. All media are Government-owned and remain under tight control, and the practice of religion continues to be discouraged. Government efforts to monopolize control over many aspects of life remain very intrusive.

The human rights situation in 1989 worsened significantly from the previous year. The Government stepped up repression in marked contrast to the limited relaxation effected in 1988. During the year the Government cracked down on human rights groups, executed four uniformed officers without a fair trial, and denied internationally recognized human rights monitors

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permission to attend a trial of three human rights leaders. Efforts by the United Nations Secretary General to implement a U.N. Human Rights Commission (UNHRC) resolution to follow up on reported abuses in Cuba had by year's end produced little response from the Cuban Government. The only positive carryovers from 1988 into 1989 included continued releases of political prisoners, permission for the International Committee of the Red Cross (ICRC) to again interview political prisoners, and the slight expansion of the 1988 exceptions granted to the churches.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

FAR General Arnaldo Ochoa, MININT Colonel Antonio De la Guardia, MININT Major Amado Padron, and FAR Captain Jorge Martinez were executed by firing squad on July 13 following a show trial (see Section 1.e.). Although the full story behind the Ochoa/De la Guardia case is still unclear, there are circumstantial indications that political motivation may have played a part in making Ochoa the key figure in the case and in sentencing him and three others to death.

Although not politically motivated, there have been some reports of police officers engaging in unjustified use of lethal force. In one such example, police investigating a petty theft killed a Havana youth, Elisco Canada Coffiguez, in June, and in another Julian Cela Cuellar was reportedly shot to death in Havana on July 8, for allegedly verbally abusing an arresting officer who was breaking up a street fight.

b. Disappearance

There were no credible reports of politically motivated disappearances in 1989.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Reliable reports of prisoner abuse and beatings rose in 1989, with a severity in some cases amounting to torture. There was no indication that Cuban authorities undertook investigations or disciplinary actions in response to charges of such abuse. Punishment cells remain in regular use for disciplining inmates, in violation of international norms. Rodolfo Frometa and Angel Donato Martinez, two "nuevos plantados" (new prisoners who refuse prison "reeducation"), reportedly were held incommunicado in punishment cells in Combinado del Este Penitentiary for more than 1 year from 1988 to 1989. In January there were multiple allegations that guards had beaten and placed in isolation cells several prisoners in Combinado del Este during a protest by the so-called lancheros (persons arrested for illegal attempts to leave the country).

Cuban Human Rights Party activist David Moya was severely beaten in a Pinar del Rio prison for organizing protests against prisoner mistreatment, according to the Cuban Human Rights Party and his own reports smuggled out in August. The beating and use of electric prods on 11 Combinado del Este inmates in December 1988 reportedly resulted in two prisoners being treated for cranial fractures. The prisoners were

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protesting the removal of a political prisoner to a prison for common criminals. In March and August, dozens of Combinado del Este inmates engaged in hunger strikes and smuggled out written denunciations of the conditions of their confinement; these protests reportedly resulted in several severe beatings and frequent confinement in punishment cells.

Several charges of confinement of political prisoners in psychiatric hospitals were reported in 1989. Four dissidents were confined in psychiatric hospitals, ostensibly for evaluation, for periods ranging from a few days to several weeks. None of the four reported mistreatment during their hospital stays. One, Julio Soto Angurel, leader of the Jose Marti Council of Independent Defenders of Human Rights and National Reconciliation, remained at year's end in the Havana Psychiatric Hospital, where he was confined after his arrest on October 8.

Following his release in 1989, Cuban Human Rights Committee member Jesus Leyva Guerra reported that security police detained him in July 1988 and then transferred him to the prison ward of the Gustavo Machin Psychiatric Hospital in Santiago de Cuba. Leyva said he was forced to undergo psychiatric "treatment" and, after he began a hunger strike, was subjected to electroshock six times.

With a sharp drop-off in the number of outside groups permitted to visit Cuban prisons in 1989, it was far more difficult to appraise current conditions. Physical improvements in prison conditions, such as in ventilation and sanitation, that were made in 1988 before visits by international human rights groups, apparently were largely maintained but not expanded during 1989. Local human rights monitors assert that punishment cells in provincial jails featured harsher conditions of confinement.

Political prisoners released in 1989 claimed that, while conditions remained the same for those incarcerated for political offenses, mistreatment of common prisoners increased during the year. There were reports of beatings of prisoners incarcerated for attempting to leave Cuba without government permission. These prisoners, who are treated as common criminals, were protesting the Government's refusal to recognize them as political prisoners. Reports smuggled out of the prisons indicate, however, that political reeducation of prisoners has become essentially voluntary since 1988; therefore, prisoner protests have largely centered on general prison conditions.

Local human rights monitors reported a notable rise in incidents of alleged police brutality by arresting officers, often in situations involving minor offenses. These included the shooting of Edel Guerrero Licea and Hidelberto Figuerado in Palma Soriano at a religious festival in December 1988, the August 16 shooting of Iran Sanchez Hernandez (who was attempting an illegal departure from the island), and the shootings of a Havana youth for "resisting arrest," and a 16-year-old after a traffic infraction. In none of these cases has there been any indication that any police official was investigated or punished for such actions. Two other incidents ended in death (see Section 1.a.).

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d. Arbitrary Arrest, Detention, or Exile

Article 245 of the Cuban Law of Penal Procedure requires police to file formal charges and either to release a detainee or place him at the disposition of a prosecutor within 96 hours. Authorities are also required to provide suspects with a defense attorney within 10 days of arrest. Despite some signs that authorities were more concerned to follow legal forms, Cuban procedural rights related to arrest continue to be widely denied. Article 61 of the Constitution permits denial of all recognized civil liberties in the case of anyone actively opposing the "decision of the Cuban people to build socialism." This article is implicitly invoked by Cuban authorities who, in the past, justified lengthy detentions of dissidents by characterizing them as "counterrevolutionary elements."

Arbitrary arrests and prolonged detentions without trial of dissidents increased in late 1988 and continued through 1989. At least 18 such arrests, followed by prolonged detentions, of dissidents took place in the weeks following the September 1988 UNHRC visit. Since then, a total of approximately 50 dissidents have been subjected to punitive actions ranging from threats, harassment, and beatings to detentions and imprisonment. Cuban authorities used brief detentions ranging from several hours to several days to intimidate dissidents without formally charging them.

For example, seven members of the Free Art Association (APAL) were detained for months before being charged and brought to trial in September 1989. Lazaro Cabrera Puente, Pablo Pupo Sanchez, Juan Garcia Cruz, Gilberto Piasencia, and Ramon Obregon had been detained since October 1988. Carlos Novoa and Jose Mari Becerra had been arrested in January. Amnesty International (AI) reported that Novoa had gone on a 59-day hunger strike beginning in May to demand that he be charged and brought to trial.

Elizardo Sanchez (President of the Cuban Commission for Human Rights and National Reconciliation), Hiram Abi Cobas (head of the Cuban Human Rights Party), and Hubert Jerez (head of the Marti Committee for Human Rights) were arrested on August 6 for "disseminating false information" concerning the trial of General Ochoa (see Section 1.e.). Following their arrests, the human rights leaders were confined in the Villa Marista detention center for about 6 weeks before being transferred to Combinado del Este prison. According to Sanchez, while in Villa Marista they were each held in solitary confinement inside windowless 10 foot by 3 foot isolation cells that were brightly illuminated 24 hours a day for 36 days prior to their November 17 trial.

Orlando Polo, leader of the "Green Path" ecological-pacifist group, was arrested three times in August and September and held without being charged for 1 week in the Villa Marista detention center and for 2 weeks in the Havana Psychiatric Hospital. In Villa Marista, Polo was interrogated about unspecified charges without the benefit of an attorney.

Several more activists continued to be held at year's end without charges. Enrique Acosta Ruiz, Sergio De la Vega Gomez, and Lazaro Rosa Arbolez were arrested in April. Esteban Gonzalez, Manuel Pozo and two other members of the Pro-Amnesty Committee, a group calling for the release of political prisoners, were arrested in September. Cuban Human

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Rights Party activist Edita Cruz was taken into custody in November. Altogether, over 25 arrested or detained activists were still imprisoned or held without being charged at year's end.

Reliable reports indicated that some prisons were filling up again in 1989 after the Government reportedly released over 8,000 criminal offenders in 1988 under the new penal code. In 1989 the authorities began a massive and sustained campaign to prosecute economic offenders, and this may be adding to the prison population. Reports from inside prisons indicate that the number of offenders incarcerated for attempted illegal departures increased in 1989 although prison sentences for the offense remained moderate by Cuban standards. In 1988, especially in the months leading up to the visit of the UNHRC's Cuba Working Group, many persons arrested for illegal departure attempts from the island were not jailed but were fined and released with a severe warning.

Precise numbers of political prisoners in Cuban jails are difficult to determine because of the release of hundreds of prisoners over the last 2 years, differences in definitions of political prisoners, and the Government's traditional secrecy about the prison population. Current estimates of the number of Cuban political prisoners range from Americas Watch's (AW) January 1989 estimate of "several score additional Cubans to possibly as many as a few hundred" to the Cuban human rights activists's claims of many more. In March 1988, the Government stated that there were 455 persons imprisoned for crimes against state security, a category which now does not include offenses such as illegal departure, contempt, and offenses related to the practice of a religion, such as conscientious objection. Another indication of the prisoner population came from the ICRC, which reported that its delegation in May visited 257 prisoners, including some convicted of illegal departure, in 10 Cuban detention centers including the Havana Psychiatric Hospital.

During the year Cuban authorities continued to release selected political prisoners, including some on the condition that they immediately emigrate to the United States. According to U.S. press reports, the Government notified the U.S. Catholic Conference in November 1988 that it would free 225 political prisoners, including 44 it had previously labeled as too dangerous to release. Cuban authorities subsequently did not release the entire group, although at least 8 of the 44 "dangerous" prisoners, including "plantado historico" Alberto Grau, were freed in 1989. There are three remaining "plantados historicos" (long-term political prisoners who have refused "reeducation") still in prison. Alfredo Mustelier, one of these three who has served 20 years of his 25-year sentence, claims that he should be released under retroactive provisions of the 1988 Penal Code. He undertook two lengthy hunger strikes in 1989 to protest his continued incarceration and was gravely ill in December. The U.N. Secretary General, members of the U.S. Congress, and many nongovernmental organizations have asked President Castro to review the cases of Mustelier and the other two "plantados historicos."

Many human rights activists were arrested on April 3 in order to forestall their planned demonstration at the Soviet Embassy during the visit of President Gorbachev. The demonstrators, who wanted to call for support of "glasnost" within Cuba, received sentences ranging from 3 to 9 months.

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The Cuban Penal Code retains internal exile as a sanct n against convicted offenders, but no instances of force removal or resettlement were reported in 1989.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Cuban law and trial practices do not meet international standards for fair and impartial public trials. The Constitution terms the courts independent, yet it explicitly subordinates them to the National Assembly and the Council of State (Article 122). Judges are elected by the rubberstamp National Assembly and its lower level counterparts. The independence of the judiciary is compromised by the de facto subordination of the courts to the Communist Party: there is no known case in which a Cuban court has successfully ruled against the Government on any political or security matter.

Civil courts exist at three levels--municipal, provincial, and the Supreme Court. All civil courts are presided over by panels composed of a mixture of professionally prepared judges and lay judges. There is also a system of military tribunals which tries certain counterrevolutionary activity cases. Defendants have a general right of appeal at the municipal level and a conditional right at the provincial level. Cases involving maximum prison terms or the death penalty are always open to appeal. The Law of Penal Procedure provides that an appeal must be presented within 5 days.

The revised Penal Code (Law No. 62) implemented in 1988 reduced the number of capital offenses and the length of sentences in some cases. The new code did not, however, significantly modify the previous definition of political offenses, the punishment meted out for them, or due process provisions for accused political offenders. Under provisions of the revised code, defense lawyers may be excluded until an investigation is completed, and attempted illegal departure from Cuba remains punishable by up to 3 years' imprisonment or a fine of up to approximately $1,000.

Political offenses, which prevent virtually any form of free expression, remained unchanged in the revised penal code, which retained the concept of "dangerousness" (Articles 72-89) and vaguely defined it as "the special proclivity of a person to commit crimes, demonstrated by his conduct in manifest contradiction of Socialist norms." If the police determine a person is exhibiting such behavior, the offender can be brought before a court which may apply police surveillance, reeducation, or therapy lasting for from 1 to 4 years. In 1989 as in 1988, the concept of "dangerousness" appears to have been invoked rarely, if at all.

Cuban evidentiary practices do not meet generally recognized international standards. A trial for political offenses ordinarily consists of evidence given by the prosecution's witnesses, who are generally employees of state security organs. In some cases, the only evidence is the defendant's confession, obtained without due process safeguards against self-incrimination or coercion. There are usually no defense witnesses, although testimony on behalf of the defendant from a member of a Committee for the Defense of the Revolution (see Section 1.f.) may be introduced and may contribute to a reduced sentence.

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Cuban law provides an accused the right to a defense attorney, but the latter's impartiality and independence are compromised by the absence of a private bar association and by ideological controls exerted over members of the state-controlled lawyers' collectives, especially in defending persons accused of crimes against state security. When the legal collectives were reorganized in 1984, some 15 percent of then-active attorneys, including many active in political cases, were denied readmission and thus effectively disbarred. Government-appointed defense attorneys generally are poorly prepared and unsympathetic towards the defendant. In 1988 the visiting New York City Bar Association delegation observed Cuban trials for common crimes and found the counsel ill-prepared and unaggressive. Typically, defendants and lawyers are afforded little time together; in some cases, former political prisoners have asserted, clients see their counsel only one hour before trial. Others are unable to meet at all with their attorneys.

Observers have noted a reluctance among attorneys to defend persons charged with political offenses. Lawyers are discouraged from taking political cases because of persecution suffered by those who do. Domingo Jorge Delgado, for example, was freed in 1988 and allowed to emigrate to the United States in 1989, after serving 8 years in prison following his defense of a group of persons who had attempted to seek political asylum. Former political prisoners have alleged that state security officials apply pressure on all persons involved in the judicial process, and that those officials, not the courts, really decide the fate of the detainee.

Several prominent cases of dissidents illustrate how the Cuban judicial system works in practice:

Samuel Martinez Lara, Secretary General of the Cuban Human Rights Party, was sentenced on April 7 to 9 months in prison. Martinez, David Moya, Roberto Bahamonde, and two other members of the Cuban Human Rights Party were arrested on April 3 for announcing a demonstration, which was to call for "glasnost" in Cuba, outside the Soviet Embassy during Soviet leader Gorbachev's visit. All were held incommunicado until their closed trial 3 days later where, without defense attorneys present, they were convicted of "illegal association." Moya received a sentence of 9 months and Bahamonde a sentence of 3 months in prison. In a June 1989 report, AI criticized the trials of Bahamonde, Martinez, Moya, and six other imprisoned members of the Cuban Human Rights Party, stating that they were punished because of their peaceful political and human rights activities and that procedures in their trials did not conform to international standards for fair trial.

Bahamonde's and Moya's sentences were subsequently extended without any semblance of due process. Two months into his prison sentence on June 9, Bahamonde was sentenced to an additional year for "illegal economic activities." According to a letter smuggled out of prison, Moya was found guilty of "contempt" at a courtroom set up in a prison dining room in September and sentenced to a further year in prison. Martinez was not released upon completion of his sentence on January 4, 1990

General Ochoa and 14 other top military and security officials received few due process safeguards at their highly publicized trial in June and July. Drug trafficking and other serious charges were leveled against them first in the official press

and then in 2 weeks of show trials. The proceedings were influenced by the publicly stated views of President Castro and the presentation before the military tribunal by Minister of Defense Raul Castro, as well as official media comments about the guilt of the accused. Defense lawyers for the accused had little time to prepare an adequate defense, received little court time compared to the prosecutor, and apparently at no time did other than to ask for clemency. The accused were sentenced on July 7, their appeal was quickly rejected on July 9, and the Council of State confirmed the death sentences of Ochoa and three other defendants, which were carried out later the same day. AI, AW, and the Inter-American Commission on Human Rights (IACHR) condemned the trial's procedures and its swift aftermath.

In mid-1989, defense lawyers in two prominent cases involving human rights activists described below were given greater pretrial access to their clients than was available in previous years. In neither instance, however, was the outcome of the case notably altered in favor of the defendants as a result of these opportunities for more extensive consultations.

Prior to the trial of seven APAL dissidents in September, some defendants, including Carlos Novoa and Pablo Pupo Sanchez, were released on bail and allowed regular consultations with their attorneys. After a trial heavily laden with political invective, according to eyewitnesses, the seven activists received harsh prison sentences ranging from 9 to 21 months on charges of "continued illegal association," "failure to report a crime," and, in one case, "possession of a firearm." In the case of defendant Juan Enrique Garcia, his attorney had excused himself one day prior to the September trial because the date allegedly conflicted with his vacation.

In November Elizardo Sanchez and two other human rights leaders were tried publicly for "spreading false information" on the Ochoa affair; representatives of AW and AI were not permitted to enter Cuba to attend. Likewise, the Government did not allow two U.S. journalists to appear as witnesses for the defense. Two foreign diplomats were allowed to attend the proceedings. All three defendants were granted the right to defense attorneys, but pretrial consultations were limited. At the trial, the accused were allowed to speak freely in their own defense. Although the prosecutor requested the maximum sentence (4 years) for Sanchez, he was sentenced to 2 years and the other 2 defendants were given 18 months each

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Official intrusion into private and family affairs remains one of the most repressive and pervasive features of Cuban life. Government or Communist Party-directed mass organizations permeate Cuban society. The State has assumed a virtual right of interference, even for those who do not actively oppose the Government and its practices. Beyond promoting ideological conformity, many of these intrusions are ostensibly aimed at "improvement" of the citizenry.

The extensive apparatus of the MININT decides on the legality of all private and public associations, and utilizes an intricate system of informers, block wardens, and block committees (Committees for the Defense of the Revolution - CDR) to monitor and control public opinion. Police searches are at times carried out without warrants, as occurred in the

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homes of several human rights activists in 1989. Authorities were more careful than in the past to observe the appearance of respect for the rights of those suspected of dissent, but Cuban courts automatically issue warrants in security cases, thus rendering this procedural safeguard meaningless.

The authorities possess a wide range of social controls. For example, the educational system teaches that the State's interests have precedence over all other ties and commitments. Teachers, selected in part for their ideological commitment, espouse Communist Party doctrine and can sanction students whose families question orthodox opinion Teachers also evaluate the political and ideological character of their students, which is noted in records carried with each student throughout his or her education. Cubans are also pressured to join a variety of mass organizations, including the Union of Young Communists, despite the supposedly voluntary nature of these groups. Outstanding students or workers, according to reliable reports, often find themselves coerced into membership in such mass organizations.

CDR's are neighborhood surveillance/security committees tasked with closely monitoring the daily lives of individual residents. Participation in Cuba's 80,000 CDR's is in practice involuntary in urban areas. The Government in 1988 announced the elimination of one CDR report on the beliefs of citizens, but there is little evidence that this change significantly altered the role of the CDR's as guardians of social conformity. CDR's apparently continue to report suspicious activities, such as contact with foreigners, reception of foreign broadcasting in the home, conspicuous consumption, unauthorized meetings, and criticism of the Government. CDR activity, if anything, increased in 1989 as the Government undertook a massive campaign aimed at corruption and petty economic offenses.

Former political prisoners are often subjected to discriminatory treatment and are relegated to menial, intermittently available work, no matter what their education or experience. Their children may be harassed in schools and sometimes barred from higher or even technical education. There was evidence that this discrimination abated in recent years and that authorities were attempting to prevent the grosser forms of discrimination from being exercised against departing immigrants as well. Human rights activists report frequent incidents of threats and harassment by government officials. Cubans have no right to receive publications from abroad and can expect all correspondence with foreign countries to be carefully monitored.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Cuban authorities continue to place very extensive checks and controls on freedom of expression. The Government does not allow direct criticism of the "Revolution," e.g. the basic policies and Marxist-Leninist orientation of the Government, party or leadership. Laws are enforced against antigovernment "propaganda," antigovernment grafitti, and slander or insults against government officials. Local CDR's monitor and report on expressions of dissent or criticism.

The electronic and print media are owned by the State or party-controlled organizations and operate according to party

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guidelines. No public forum exists for airing one's views apart from the government-controlled media. In 1989 as in previous years, the Government used the media as a vehicle to indoctrinate the population. Cuban media content reflected government views of events and stories tend to congratulate the Government for internal successes, primarily economic ones. By comparison, Cuban media coverage of Eastern European developments was terse but straightforward.

In 1989, the Government moved to shut down new dissident efforts to publish independent newsletters. Thirteen members of the Cuban Human Rights Party were arrested for printing and distributing several issues of its new bulletin Franqueza (Openness). Manuel Gonzalez, Manuel Gonzalez, Sr., and Iris Perez received prison sentences ranging from 6 months to 1 year for producing Franqueza. Copies of a second, unsigned dissident newsletter, El Lente (The Lens), appeared sporadically during the year.

Cuban censorship of foreign media in 1989 expanded to include reform-minded Soviet publications. In August the Cuban party leadership announced it was removing two Soviet journals, Sputnik and Moscow News, from circulation. The Cuban Communist Party newspaper Granma justified the journals' ban from circulation by citing their "negative consequences" among the Cuban populace. Periodicals from non-Communist countries are not available to the general public, and foreign broadcasts, apart from U.S.-based Radio Marti, are not heard by significant numbers of people.

The Government extended its intimidation to the foreign press on several occasions in 1989. A group of U.S. journalists covering the July 26th celebrations reported being warned that foreign journalists who visit Cuban dissidents or who report about them could jeopardize their stay in Cuba and issuance of future visas. The Reuters correspondent in Havana was expelled from Cuba in July for publishing a report the Government found unacceptable.

Artistic and literary freedom are circumscribed by government control. Party and government officials carefully scrutinize humor and irony in the arts. In 1989 one art exhibition containing pictures which unflatteringly portrayed President Castro was closed. A Vice Minister of Culture barred from public display a painting which depicted Castro speaking to a crowd whose faces were all identical to his.

Academic freedom is severely limited. Education is the exclusive prerogative of the State, and the school system follows Marxist-Leninist precepts as interpreted by government guidelines. Academics can write freely so long as their work does not conflict with any government or party policy.

b. Freedom of Peaceful Assembly and Association

The Constitution does not provide for freedom of assembly or association. Any assembly of more than three persons even in a private home is punishable by up to 3 months in prison and a fine. Organizers of "illicit or unrecognized groups" can receive a sentence of up to 9 months (Article 240 of the Penal Code).

There was no known instance in 1989 of authorities approving any public meeting by a group not recognized by the Government. On the contrary, the Government continued its crackdown

begun in October 1988 on dissidents seeking to hold meetings or to organize demonstrations. During Soviet leader Gorbachev's visit to Havana in April, at least 21 activists were arrested in connection with a planned demonstration. Four Cuban Human Rights Party members received sentences of from 3 to 9 months for "planning an illegal gathering" (see Section 1.e.).

Article 208 of the Penal Code prohibits "illegal or unrecognized groups." The Ministry of Justice, in consultation with the MININT, determines the legality of all organizations. Apart from "recognized" churches and one or two groups such as the Masonic Order which are carefully monitored by authorities, the small, unrecognized, and thus illegal human rights groups represent the only associations independent of the State and the party. The authorities continued to ignore the applications for legal recognition made by the Cuban Commission for Human Rights and National Reconciliation and the Cuban Human Rights Committee over the past 3 years.

Cuban citizens are expected to join party-controlled mass organizations, such as the CDR's, the Confederation of Cuban Workers, the Federation of Cuban Women, and the Union of Communist Youth. Resisting membership makes persons subject to a range of unofficial sanctions.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Government places restrictions on the practice of religion and discriminates against believers, despite the Constitution's recognition of the rights of citizens to profess and practice any religious belief. Religious believers are excluded from membership in the Communist Party and thus from almost all executive and leadership positions, including posts in the Government, the courts, and the teaching profession. Persons who publicly profess their religious beliefs may be subject to informal discrimination in the workplace and through social pressures on their children in school. Practicing Catholics, for instance, have a difficult time getting more desirable jobs or being admitted into certain fields of study.

Fidel Castro and other Cuban officials have publicly admitted that religious discrimination exists, although they claimed it was not authorized. Indeed, there has been a perceived slight relaxation of official attitudes toward religion which contributed to modest increases in both church attendance and baptisms. Catholic Church officials noted in 1989 a growing number of youths willing publicly to profess their faith.

The Government and Communist Party continued to maintain restrictions and controls on the activities of organized churches. Churches and other religious groups must register with the Government and be "recognized." Recognized faiths customarily are permitted to hold religious activities only within specifically designated places of worship, but permission was granted for services in prisons and some health care institutions in 1989. Many Catholic and Protestant churches have closed, and new construction has been restricted since the Revolution. Four Protestant and two Catholic seminaries are allowed to operate, but no other formal

religious training schools are permitted. Atheism is taught by youth organizations. Churches have no access to official mass media. The observance of religious holidays is difficult, and most traditional processions are prohibited. Christmas is a normal workday.

Despite these restrictions, relations between the Government and recognized churches have improved since the mid-1980's. In 1989 the Government demonstrated a greater willingness to establish a dialogue with church leaders, and President Castro welcomed the prospect of a future papal visit to Cuba. The Government slightly expanded the ad hoc exceptions it granted in 1988 to recognized churches: admission of foreign clergy to work in Cuba, greater tolerance for religious instruction, freedom for clergy to travel abroad, permission for the importation of increased quantities of Bibles, and freedom to hold conventions. While churches have been granted exceptions, they have not been conceded "rights".

Since April, clergy have been allowed to visit prisoners who have requested their services. The Catholic Church established telex links among its diocesan offices and with church officials overseas as authorized by the Government in 1988. The Seventh-Day Adventist church held a national congress in Cuba, and foreign Adventist officials were permitted to attend in their official capacity. The small Jewish community was again allowed to import religious materials, and kosher food and wine. Cuban authorities, while clamping down on other unauthorized publications in 1989, continued to permit limited circulation of an independent newsletter published by a Catholic layman. The Government allowed access to construction materials needed to rebuild some existing churches, but provincial and local officials have opposed certain restoration projects. In December 1988 in Palma Soriana, a parish priest, with the help of his congregation, succeeded in restoring and reopening a small chapel. Local party officials organized a mob to break up the inaugural service. When the priest managed to defuse the protest by leading the crowds outside the church in the national anthem, he was detained by police for "proselytizing and holding a service in public" and released hours later only after vigorous public protest.

Members of certain faiths have suffered active persecution. Human rights monitors reported several cases of Jehovah's Witnesses arrested for illegal meetings and possession of clandestine publications (i.e., Jehovah's Witnesses tracts) in 1989, including the cases of Ursulo Brito and Samuel Camacho Hernandez (sentenced to 6 months in prison), and of Eloy Ramos Gonzalez (sentenced to 1 year). In April police reportedly infiltrated a Jehovah's Witnesses prayer meeting in Suri and staged a raid on the home of Felipe Bofill where prayers where being offered for Bofill's gravely ill son. Several persons were arrested, tried, and convicted of charges of "illegal meeting and possession of clandestine printing."

Other religious groups also suffer such repression; in a raid in December 1988 reported by the Cuban Human Rights Committee, the home of Baptist pastor Eliejar Samado Cazavus of Granma was ransacked and religious literature confiscated. Samado subsequently lost his job and was forced to rely on small donations from his congregation to support his family.

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d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no legal restrictions on domestic travel, but Cuban citizens require permission both to leave and to reenter Cuba. Opportunities for nonofficial foreign travel are severely restricted, limited generally to elderly pensioners, church officials, and special humanitarian cases for serious family illness or death.

Cuban authorities strictly control emigration but in 1989 again permitted several thousand persons, including hundreds of former political prisoners, to leave the country permanently with no right of return. Draft-age males were generally not allowed to depart. During 1989 the Government continued to deny, without any explanation, exit permission to some persons and their immediate families who had already been accepted into immigration and refugee admissions programs of other countries. For example, the Government has repeatedly refused exit permission to Sebastian Arcos Cazabon, the son of human rights leader Sebastian Arcos Bergnes.

It is a crime to leave the country without authorization. Persons who attempt to flee on small boats or inner tubes face sanctions ranging from fines to 3 years' imprisonment. The number of persons convicted of "illegal" departure reportedly rose sharply in 1989 (see Section 1.e.). Discrimination against intending legal emigrants lessened in 1989, although extricating a family from the web of state employment, housing, and education remains a complex and often frustrating process. Once emigration formalities are completed, all family possessions and property go to the State unless immediate relatives are able to take possession.

Cubans traveling as emigrants or refugees to other countries have no right to return for a visit or repatriation. The Government continued to restrict the number of persons of Cuban origin from the United States permitted to visit their families in Cuba to 50 persons per week under a worldwide quota of 5,000 per year. Persons who came to the United States in the Mariel boatlift were routinely denied repatriation and the Cuban Government allowed no more than 10 of them per week to visit Cuba. Entry into Cuba by Cuban Americans was suspended entirely for the last quarter of 1989. The Government reduced to $250 per trip the amount of currency visiting expatriates can bring to family members in Cuba.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Cuban citizens have no legal right to seek to change their government or even to advocate this right. The only political organization allowed in Cuba is the Communist Party. The overlapping party and state hierarchy has remained largely unchanged for 30 years. Members of the highest governing bodies, the Politburo and the Central Committee, are selected by a small group of party leaders. Although direct elections are held to fill municipal offices, the provincial assemblies and the National Assembly are elected indirectly. Only the party and its affiliated mass organizations have the right to distribute political materials or to organize electoral meetings. All candidates must, in effect, be approved by the Communist Party. In March, dissident Roberto Bahamonde challenged the system and ran against the Communist Party

candidate for a municipal assembly seat in Havana. Bahamonde lost and was imprisoned on other charges several weeks later (see Sections 1.d. and 1.e.).

In December 1988, 163 European and American intellectuals joined Cuban expatriates in signing an open letter calling for a plebiscite on Fidel Castro's rule, following the October 1988 example of Chile. One month earlier, the Cuban Human Rights Party had advocated a plebiscite on whether to repeal the Constitution and convoke a constituent assembly. Government officials rejected the call for a plebiscite and called the comparison with Chile "absurd."

In 1989 Fidel Castro distanced Cuba from democratizing trends sweeping through the U.S.S.R. and Eastern Europe, rationalizing his continued unwillingness to allow greater opportunities for Cuban citizens to participate freely in the political system.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic human rights monitors are legally unrecognized and lead a precarious existence dependent upon the vagaries of government policy. The Government continued, in violation of its own statutes, to refuse to recognize the applications for legalization submitted in 1988 and 1989 by several such groups (see Section 2.b.). In its 1988/89 Annual Report, the IACHR called on the Government to recognize human rights associations and their right to engage in their activities freely. The three principal domestic human rights monitoring groups are the Cuban Human Rights Committee (CCPDH), the Cuban Human Rights Party (PPDHC) and the Cuban Commission for Human Rights and National Reconciliation (CCDHRN). There is a host of smaller human rights-related groups, most notably the Free Art Association (APAL) and the Marti Committee for Human Rights, which appeared in 1988. In February 1989, the PPDHC, CCDHRN, and Marti Committee for Human Rights banded together under an umbrella group, the Coordinator of Human Rights Organizations.

The Government's stepped-up crackdown on Cuba's human rights movement was the most significant development in the country's human rights situation in 1989. Official policy changed from increasing limited tolerance through mid-1988 to repression after the September 1988 visit of the UNHRC Cuba Working Group. Since then, the Government has taken or fabricated opportunities to harass, detain, or imprison approximately 50 activists and has, in effect, silenced many of its leading domestic critics. Some of the arrested activists had presented testimony to the UNHRC Cuba Working Group, although their arrests were officially for alleged actions unconnected with their testimony. The UNHRC delegation was assured by Cuban authorities that the witnesses would not suffer reprisals for their testimony. About 25 of those activists arrested or detained, including the leaders of four of the five human rights groups named above, remained imprisoned or held without charge at year's end (see Section 1.d.).

The atmosphere of increased openness leading up to the UNHRC's visit led some human rights activists to attempt to exercise what they viewed as their rights to peaceful assembly and speech. The Government responded with the pattern of arrests, swiftly staged trials, and misdemeanor convictions which began

with the October 1988 arrest of six APAL activists and the November 1988 arrest of PPDHC leader Tania Diaz Castro.

In 1989 the Government further clamped down as activists continued to test the limits of its tolerance by circulating petitions and underground publications and, in one case, trying to organize a demonstration. Cuban authorities appeared to follow legal procedures more scrupulously, but imposed harsher punishments. Elizardo Sanchez's 2-year prison term was the harshest sentence meted out to a human rights activists in several years (see Section 1.e. for details on dissident trials). Extralegal harassment continued as well. Several human rights activists were beaten by thugs and at least eight others were arrested during a November 12 mass; incorrect rumors had circulated that prayers would be said at the mass to support hunger striking political prisoner Alfredo Mustelier. By the close of 1989, members of the human rights movement who were not in jail had reduced their public activities because of government repression.

The ICRC was the only monitoring group which visited Cuba in 1989. Cuban authorities permitted the ICRC to make a second annual visit to prisons and to monitor conditions of inmates. The ICRC, whose findings are strictly confidential, did report that its delegation interviewed 257 prisoners in 10 detention centers, including the Havana Psychiatric Hospital. The Government denied permission to representatives from AW and AI to attend the trial of human rights leader Elizardo Sanchez.

Following its September 1988 visit, the UNHRC Cuba Working Group submitted a 400-page report to its parent commission in February 1989. The report detailed extensive human rights abuses by Cuba and noted numerous outstanding questions posed by the Working Group which Cuban authorities had failed to answer. The UNHRC, at its 1989 session, passed a resolution charging the U.N. Secretary General to maintain a dialogue with the Cuban Government in order to follow up on outstanding issues in the Working Group's report. Cuban authorities (who, under international pressure in 1988, had invited the Working Group to visit) made it clear in their 1989 public statements that, notwithstanding the content of the report, they considered international attention to Cuban human rights practices to be a closed chapter.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Cuba is a multiracial society with a large population of persons with mixed racial ancestry. The Constitution expressly forbids discrimination on the basis of race, sex, or national origin, and there were no known incidents of direct racial or sexual discrimination in 1989. The Family Code of 1975 equalized pay scales, eliminated sexual discrimination in promotions, provided generous maternity leave, and gave employed women preferential access to goods and services. Public or official expressions of racial discrimination or prejudice are rare. The official women's organization, the Federation of Cuban Women, is used to mobilize women politically rather than to advocate women's rights exclusively.

There are no official data available on the incidence of violence against women. Neither the Government nor society condone such violence. Cuban law establishes strict penalties for sexual abuse or rape of women, including the death penalty for the rape of minors or serious injury to the victim. The

Penal Code also provides lesser sanctions for sexual coercion of women by authorities or guardians. These statutes appear to be enforced with typical severity by the authorities, although sexual crimes are never reported in the press. Anecdotal evidence from human rights groups and other sources indicates that domestic violence such as wife beating is a problem, but a lack of statistical data makes it impossible to gauge its true extent. Due to societal traditions many victims of abuse are reluctant to file a report or to press charges, so it is likely that cases of violence are significantly underreported. Women complain of verbal harassment in public and expected subordination at home.

Section 6 Worker Rights

a. The Right of Association

The Constitution gives priority to state or collective needs over individual choices regarding free association or provision of employment; the decision and choices of workers are subordinate to the "demands of the economy and society" (Article 44). Strikes are not permitted under the law. Established Cuban labor organizations are not trade unions in any real sense and do not act as a voice for workers' rights, including the right to strike. Labor is organized under the control of the State and party through one umbrella group, the Confederation of Cuban Workers (CTC). The CTC is affiliated with the Communist-controlled World Federation of Trade Unions and its regional organization, the Permanent Congress of Trade Union Unity of Latin America (CPUSTAL). The CTC serves primarily as an instrument of the State to enforce political and labor discipline, to encourage productivity, to hold down labor costs, and to save raw materials. Some CTC member labor organizations have served as debating forums for the consideration of a limited range of labor issues such as worker safety and local working conditions.

The right to form an independent union is prohibited and even discussion of such a step has been subject to punishment. Despite increased repression of many dissident groups in 1989, however, several embryonic labor organizing groups appeared and discussed the need for autonomous representation of workers' interests along the lines of the Solidarity movement in Poland. Two of these groups, the Independent Trade Union Movement and the Free Trade Union, claimed to have gathered membership in workplaces in the capital region. These tiny groups remain very much on the margins, and even the discussion of independent unions is a dangerous form of dissent, often characterized by authorities as a form of "industrial sabotage." In August Havana ironworker Ricardo Figueira Castro, a member of the CCPDH, was arrested and charged with enemy propaganda. Figueira had unsuccessfully sought a position in his factory's official union with the idea of making it more responsive to workers' needs. Nevertheless, he began to represent workers' interests informally with management and to speak out about the need for more independent representation with coworkers. Figueira's arrest soon followed.

In its 1989 report, the International Labor Organization (ILO) Committee of Experts (COE) again challenged the trade union monopoly granted to the CTC in violation of Convention 87 on Freedom of Association. The Committee asked the Government to report what steps it is taking to bring its legislation into conformance.

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b. The Right to Organize and Bargain Collectively

Effective collective bargaining does not exist. The State Committee for Work and Social Security sets wages and salaries for the state sector. There are no known export processing zones in Cuba. Since the CTC is an instrument of the government policy, antiunion discrimination is not a relevant concept except as it applies to the Government's repression of independent union groups like those mentioned above.

c. Prohibition of Forced or Compulsory Labor

The Constitution and the Labor Code do not contain prohibitions on forced labor. Workers do not have full freedom to change jobs without official approval. Every worker must present a work identification card in seeking a new job. This card contains information on performance of "voluntary" work, protection of socialist property, political consciousness, failure to meet production goals, and negligence. In practice, any job change remains under the control of the authorities who grade and evaluate employee records that form the basis of the work identity cards.

Special groups of workers on loan from other jobs known as "microbrigades" are employed on special construction projects, often working a 60- to 70-hour week of physical labor. Some human rights monitors allege that workers refusing to "volunteer" for such projects often find themselves victims of discrimination or even risk losing their jobs. "Microbrigade" workers, however, are reportedly rewarded with priority listing for apartments, a very powerful incentive for voluntary work.

Various ILO bodies have found that governmental restrictions on the freedom to choose or change employment are incompatible with ILO Conventions prohibiting forced labor. Most recently, the 1989 report of the ILO Committee of Experts, cited above, found provisions of the new labor code imposing "correctional labor," and compulsory labor for damage due to negligence, to be incompatible with Convention 105 on forced labor.

d. Minimum Age for Employment of Children

The legal minimum working age is 17; however, the labor code provides for exceptions for those aged 15 and 16 to obtain training or to fill labor shortages. There is no evidence that authorities deviated from these rules in 1989. However, all students above the age of 11 are expected to devote 30 to 45 days of their summer vacations to agricultural work up to a maximum of 8 hours per day.

e. Acceptable Conditions of Work

During 1989 Cuba's minimum wage remained at $140 per month at the overvalued official exchange rate or about $20 in terms of black-market buying power, plus a "social wage" consisting of free medical care and education, along with subsidized housing and rationed food. Even with the state subsidies, a worker needs to earn substantially more than the minimum wage to support a family. The value of the "social wage" in improving living standards is diminished by the persistent shortages and tight rationing that have become standard features of the Cuban economy. For example, most newly married couples must live with relatives for years before obtaining their own housing and the supression of free farmers' markets in 1986

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(following a brief experiment with market incentives) exacerbated shortages of some foods, although caloric intake remains high.

Maximum hours of work are 44 regular hours per week, with shorter workdays for unusually demanding jobs such as underground mining. Overtime is limited by law and practice, although workers are pressured to engage in additional unpaid "voluntary" labor. Workers receive 30 calendar days of vacation regardless of seniority or age. Provisions for worker safety and control of pollution generally appear inadequate. There is a lack of effective control and enforcement mechanisms to ensure worker safety, and industrial accidents are apparently frequent.

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GENERAL ASSEMBLY
Forty-fifth session
Item 35 of the preliminary list*
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Forty-fifth year

Letter dated 6 April 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you, enclosed herewith, the text of an explanatory note concerning Israel's intentions with respect to the water resources of southern Lebanon.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under item 35 of the preliminary list, and of the Security Council.

(Signed) Chawki CHOUERI
Ambassador
Chargé d'affaires a.i.

* A/45/50.

Annex

Explanatory note concerning Israel's intentions with respect to the water resources of southern Lebanon

The water resources of southern Lebanon have always been the object of increasingly ill-concealed envy on the part of Israel. This is apparent from the many statements Israel has made and the many projects it has launched, invoking historical claims and economic and religious arguments. It is common knowledge that Israel currently consumes around 90 per cent of the water resources available to it (or 165 million cubic metres). It is moreover in this sense that the statement has to be understood which Ben Gurion made in 1955, to the effect that the Jews were waging a "war of water" against the Arabs: guaranteeing its water supplies is one of the corner-stones of Israel's national security.

Since the water resources available to Israel are limited, it has to restrict its ambitions with regard to Jewish immigration into the country, and this is why Israel is seeking to take possession of water resources located outside the occupied territory by launching plans and projects aimed at enabling it to help itself to Arab water resources. Thus Israel has, ever since it came into being, been seeking, now clandestinely and now openly, to implement these highly suspect projects, notwithstanding certain international political positions which compel it at times to deny the slightest expansionist intention.

The state of the water resources of southern Lebanon may be summarized as follows:

1. The source of the Wazzani:

In 1986, Israel enclosed several hectares of land adjacent to the source, after driving off its Lebanese cultivators. It dug canals leading northward from the source of the Wazzani, allegedly to irrigate the villages of Arkoub located in the "security zone". In 1989, Israel installed six-inch channels leading from the watercourse fed by Aljawz, which is one of the tributaries of the Hassabani, allegedly to supply water to the villages located in the occupied zone of Hassabiye.

2. The Hassabani and the Wazzani:

These two rivers discharge into Lake Houle, which Israel had drained to transform it into cultivated land fed by irrigation canals. Currently, Israel is exploiting all of the waters of the Wazzani and the Hassabani, or 140 million cubic metres a year.

In this respect, it should be recalled that the Arab summit held at Cairo in 1961 had established an agency for exploitation of the Jordan and its tributaries, including the Hassabani and the Wazzani, with a view to exploiting these tributaries and building dams in the Arab territories in the interests of the Arab economy. This project remained on hold until the disaster in 1967. Israel then occupied the project site and took possession of the equipment located there.

3. The Litani:

Israel's designs on this river are of long standing, as is shown by the counter-project known as the "Coton project" submitted to Johnston in 1954, by which it sought to divert 400 million cubic metres, or 55 per cent of the waters of the Litani, leaving to the rightful owner - Lebanon - only 45 per cent.

Israel's occupation of the "security zone", in violation of the resolutions of the international community calling upon it to withdraw from the zone immediately, confirms that Israel has still not renounced its old ambitions. In occupying this region, Israel is also helping itself to 30 kilometres of the Litani, which flows at an average altitude of between 617 and 540 metres. That said, no pumping station and no water diversion installation have been reported along the occupied part of this river. However, the settlement projects adopted by Israel, particularly following the wave of immigration from the Soviet Union and the need to develop the irrigation and drinking water supply system to which it gives rise, constitute a source of concern, in that there is a risk of Israel being encouraged to move on to action and thus threaten our water resources.

4. Connection of the water supply system of neighbouring Lebanese villages with the Israeli system

In 1983, Israel completed the connection of the water supply system for the neighbouring Lebanese villages to that of Galilee in occupied Palestine. In this connection, it should be recalled that the Lebanese network is itself fed by the waters of the Litani.

The Permanent Mission of Lebanon wishes to affirm the following:

1. Israel's ambitions are not confined to the water resources, but extend to the lands of Lebanon.

2. The Litani is in Israel's eyes not only a source of water supply but also a redoubtable obstacle which is difficult to cross and could thus serve as a natural line of defence alongside all the other security zones that it has seized: to the west, the sea; to the east, the Jordan and the Golan; to the south, the Sinai, that ocean of sand; and to the north the Litani and its deep gorges.

3. Lebanon needs all its water resources, both to irrigate its lands and to supply its towns and villages with drinking water. The Israeli allegations that Lebanon does not need the water of the Litani, which go to waste in the sea, are false. The reality is that Israel's covetousness constitutes an obstacle to the installation of water management works in Lebanon, particularly on the Litani, which at one point runs only 7 kilometres from the frontiers of occupied Palestine.

Thus, as far back as 1954, the Lebanese Government had drawn up a project for integrated management of the Litani providing for irrigation works and for the installation of various industrial facilities. For this purpose, it had constructed a dam with a capacity of 500 million cubic metres and built a hydroelectric power station beside it. As for the irrigation works, their execution has marked time because of the situation prevailing in Lebanon.

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Items 12, 92, 102, 103, 112, 113 and
142 of the preliminary list*
REPORT OF THE ECONOMIC AND SOCIAL COUNCIL
EFFECTIVE IMPLEMENTATION OF UNITED NATIONS
INSTRUMENTS ON HUMAN RIGHTS AND
EFFECTIVE FUNCTIONING OF BODIES
ESTABLISHED PURSUANT TO SUCH INSTRUMENTS
QUESTION OF AGING
CRIME PREVENTION AND CRIMINAL JUSTICE
TORTURE AND OTHER CRUEL, INHUMAN OR
DEGRADING TREATMENT OR PUNISHMENT
ENHANCING THE EFFECTIVENESS OF
THE PRINCIPLE OF PERIODIC AND
GENUINE ELECTIONS
DEVELOPMENT AND STRENGTHENING OF GOOD-
NEIGHBOURLINESS BETWEEN STATES

SECURITY COUNCIL
Forty-fifth year

Letter dated 9 April 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General

I have been instructed by my Government to draw your attention to the attached extract from Country Reports on Human Rights Practices For 1989, published by the Department of State of the United States of America, which contains information on the situation concerning human rights in the Syrian Arab Republic. I have underlined passages of special relevance (see annex).

In view of the importance of this information, I have the honour to request that the text of the present letter and its annex be issued as an official document of the General Assembly, under items 12, 92, 102, 103, 112, 113 and 142 of the preliminary list, and of the Security Council.

(Signed) Johanan BEIN
Ambassador
Acting Permanent Representative

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* A/45/50.

ANNEX*

101st Congress
2d Session

JOINT COMMITTEE PRINT

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1989

REPORT

SUBMITTED TO THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

AND THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

BY THE

DEPARTMENT OF STATE

IN ACCORDANCE WITH SECTIONS 116(d) AND 502B(b) OF THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

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* Underlining has been added by the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations.

SYRIA

Syria is ruled by an authoritarian regime which does not hesitate to use force when it is threatened. The President wields almost absolute authority. Key decisions regarding foreign policy, national security, and the economy are made by the President and his key advisers, and are often ratified by the Parliament. There are regular elections to the Parliament, but it wields no independent authority. All three branches of government are highly influenced by the views of the Ba'ath Party, whose primacy in the State is assured by the Constitution. Independent, nonsanctioned political opposition is forcibly repressed. However, a certain amount of regional autonomy is exercised by local administrative councils.

The ruling Ba'ath Party, which emphasizes socialism and secular Arabism, gained ascendancy in 1963. It has become dominated by the military, which consumes a large share of Syria's scarce economic resources. In recent years, the party has served principally to legitimize President Asad's rule. Although Ba'ath Party doctrine seeks to overcome sectarian and class consciousness by building a sense of national rather than ethnic identity, ethnic, religious, and regional allegiances remain important. Members of President Asad's own sect, the Alawis, hold most of the important military and security positions.

Except for a hiatus in 1973-74, Syria has been under emergency powers since 1963. The Government has justified martial law by the state of war with Israel and continuing threats posed by terrorist groups (Islamic fundamentalist, Iraqi, and Lebanese). The Muslim Brotherhood was until 1982 the greatest internal threat to the regime. This group of Sunni Muslim fundamentalists openly challenged the secular Ba'athist Alawi-dominated regime from the late 1970's until its brutal suppression in 1982. The League for Communist Action is another clandestine opposition group. Public manifestation of antiregime activity, however, remains very limited, and there were no reports of large-scale arrests in 1989.

The central Government maintains an extensive security apparatus. The several main branches of the security services operate independently of each other and outside the normal legal system; each is suspected of human rights violations. The regime justifies the activities of the security services because of the continuing state of emergency declared on the basis of the state of war with Israel.

Syria has a state socialist economy and has nationalized most major enterprises. The regime has followed economic policies designed to correct previous regional and class disparities. There is a small but vigorous private sector which is expanding, and most agricultural land is privately owned. The economy is plagued by stagnation, and real growth essentially has been flat, with 1988 gross domestic product roughly equivalent to that in 1982.

There was little change in the overall human rights situation in 1989. However, Syria did respond for the first time to a United Nations inquiry about its human rights practices, and the Syrian press reported that a visiting Amnesty International (AI) delegation met with Vice President Khaddam in June. The Government also responded positively to specific requests from the U.S. Government about the status of Syrian Jews. However, Syria remains effectively under the rule of an authoritarian regime, and there were no signs of progress

towards a freer political system or a greater respect for individual human rights. Human rights abuses, including torture, denial of the freedoms of speech, press, association, and the right of citizens to change their government continued to characterize the regime's record in 1989.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Executions for political beliefs in Syria are typically a reaction to perceived subversion or direct and violent threats to the regime. There were no reports of executions for political beliefs in 1989, but at least two deaths due to mistreatment while in custody were reported by AI in 1988.

b. Disappearance

There have been credible reports in the past that some Syrians arrested for security reasons have disappeared. There were, however, no such reports in 1989.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the penal code prohibits torture and establishes severe penalties for it, there continue to be numerous reports of torture, primarily during arrest and interrogation in political or security-related cases.

In its 1989 Report, covering the year 1988, Amnesty International (AI) noted that the torture and ill-treatment of prisoners, including minors, continued to be widely reported and appeared to be routine. It cited cases in which prisoners were reportedly beaten--resulting in some cases in serious injury--and, in one case, subjected to electric shock. The report noted that 3 of the 10 members of the Jewish community arrested since 1987 on charges of illegal travel reportedly were tortured while in detention. Security forces often will arrest family members of a fugitive and detain or torture them until the fugitive surrenders to authorities. There was at least one report in 1989 of the arraignment of officials who engaged in such practices in 1989, but no evidence of a concerted government attempt to end such practices.

No international groups are allowed access to security detention facilities. Families are usually not allowed to visit security prisons.

d. Arbitrary Arrest, Detention, or Exile

While the civil law code, modeled after French law, generally provides for due process, it is almost totally lacking in provisions covering security or political offenses. Under the state of emergency law, normal safeguards can be suspended, especially in security and political cases, and a person may be held indefinitely without charge or trial; arrested secretly, with no legal restraints; and denied the right to a judicial determination of the basis for pretrial detention. The accused has no redress for false arrest and cannot be contacted by family or friends, who most often do not know where the accused is being held. Many "disappeared" persons

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are believed to be alive and held by the security forces. Frequently, the detained individual is released without ever being charged. There are no reliable estimates of the number of persons detained without trial. Exile, sometimes voluntary, is occasionally used to rid the regime of troubling elements.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Syrian court system, based upon French law, is comprised of separate civil courts (rents, contracts, etc); penal or criminal courts, whose jurisdiction includes economic crimes; religious courts; military courts; security courts; and constitutional courts.

Civil and penal cases are under the jurisdiction of the Minister of Justice. The defendant in a criminal case is detained provisionally upon the accusation of the public prosecutor, then remanded to a judge for arraignment. The judge may either free the defendant on the basis of insufficient evidence or refer the case to a criminal court. Defendants are entitled to legal representation of their choice; if they cannot afford a lawyer, one will be appointed by the court. Civil and penal courts impose no restrictions on lawyers in representing their clients, and allow the right of appeal. They also provide for a bond guarantee of a usually moderate sum. In noncontroversial criminal cases, civil courts are usually free of governmental coercion, although the Government can bring pressure to bear if it wishes to do so. The slow and cumbersome legal system can leave suspects languishing in prison for months.

Defendants in criminal cases are presumed innocent until proven guilty. Defendants are allowed to present evidence and confront their accusers. Trials are public except for cases involving juveniles and crimes which may impact negatively on moral sensitivity, such as rape. Cases are tried before a judge; there is no jury system.

There were fewer reports of arrests for "economic" crimes in 1989. Rather, a number of those arrested earlier for currency violations were released from jail, and economic liberalization measures have made it easier for private businessmen to operate without resort to illegal currency markets, although it is still technically illegal for a private Syrian to hold foreign exchange, unless generated by private exports.

Persons charged with security or political offenses fall under the jurisdiction of the State Security Court. Such persons have no say in the selection of a lawyer, who is chosen by the court. All court sessions are closed, and there are no official channels for obtaining information on the trial or sentencing, although relatives with influence in the Government ultimately may succeed in obtaining information and even effecting the release of the accused.

There is also a Higher Court, under the authority of the Prime Minister, which reviews issues related to the legality of government contracts and other government-private sector issues.

SYRIA

The Government does not release information on the number of persons detained for political or security offenses, but with detentions dating back to 1970, the number is probably significant. Between February and May 1988, unconfirmed reports indicate that up to 1,200 citizens associated with the Muslim Brotherhood or the League of Communist Action may have been arrested. There were no reports of politically motivated arrests in 1989.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence

Domestic intelligence organizations maintain a network of guards to protect officials and important buildings, as well as to monitor the activity of people living in those neighborhoods. Some telephone conversations are almost certainly recorded. The presence of police and security officials is pervasive, especially in Damascus.

The postal system censors the mail, including foreign publications, selectively. Although the legal system provides safeguards, including the requirement of an arrest or search warrant before police are allowed to enter private homes, regulations under the state of emergency suspend these protections in security-related cases.

Security checkpoints can be set up anywhere, and no warrant for search or arrest is required. Security forces are mostly concerned with suspected subversives, but also search for smuggled goods. There were few reports of checkpoints having been set up during 1989, except at the border with Lebanon.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Public criticism of the President is not permitted, and criticism of the Government and the Ba'ath Party is effectively discouraged. The Government or the Ba'ath Party wholly own and operate all broadcast media and publishing houses and strictly control the dissemination of all information.

Censorship of foreign and domestic news is exercised through offices in the Ministries of Information and of Culture and National Guidance. Any subject deemed sensitive to Syrian government interests will not appear in the press or in daily broadcasts. In 1989 this censorship included certain decisions of the Palestine Liberation Organization (PLO) and civil unrest in the Soviet Union, Eastern Europe, and China prior to the release of such reports by the Soviet press agency TASS. However, radio and television broadcasts from neighboring countries, including Israel, are not jammed, and reports not carried in Syrian media are generally well known.

Newspapers provide no medium for political opposition. Criticism of government policies or their operations is limited to economic issues, minor administrative failings, and domestic corruption, and even this criticism is usually orchestrated from above. However, there is almost daily criticism of problems in the economy. Officials above the middle rank are rarely criticized.

Imported printed material and films are subject to censorship. Articles critical of Syria or Syria's role in

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Lebanon are occasionally completely deleted from foreign magazines and newspapers before distribution. Fictional and nonfictional literature is censored by the Union of Arab Writers if it is considered overly critical of Syria, offensive to one of Syria's religious groups, or too graphically discusses sex. Films are often censored for a variety of reasons, such as unfavorable interpretation of the Middle East conflict, sectarianism, or the use of actors or production companies targeted by the Arab boycott. Control is much stricter on materials in Arabic.

Schools at all levels are government operated. Private primary and secondary schools run by minority religious groups are required to follow the Ministry of Education curriculum and are subject to regular inspection. One hour of the school day is devoted to instruction on Syrian patriotism. Teachers are not permitted to express ideas contrary to government policy, although more freedom of expression is tolerated at the university level.

b. Freedom of Peaceful Assembly and Association

Public meetings, assemblies, or demonstrations may be held only with official permission, and usually at the instigation of the Government or the Ba'ath Party. Private societies, including religious groups, are allowed to meet if they have received governmental permission to organize. While usually granted, such permission authorizes only nonpolitical activities.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Although nearly two-thirds of the Syrians are Sunni Muslim, the Constitution does not establish a state religion. As a concession to Islamic fundamentalists, who object to Ba'athi secularism, the 1973 Constitution requires that the President be Muslim. Otherwise, there is no official preference given to one religion over another, and all major Christian and Muslim holidays are officially observed by the Government. Many key positions in the Government are controlled by members of the minority Alawi sect (at least 10-12 percent of the population), which is considered heretical by many Sunni Muslims.

Ba'athi secular ideology and modernizing influences have had some impact in diminishing the primacy of religion and ethnicity, but individual Syrians continue to identify themselves by their communal associations.

With few exceptions (noted below), all religious groups, Muslim and non-Muslim, including Syria's 3,800 Jews, have the freedom to practice their different religions. However, fund-raising, construction, and the holding of all meetings except for worship are tightly restricted and sometimes banned. Religious training is permitted within the curriculum for Jews and Christians in Jewish and Armenian schools, among others. Non-Muslim groups may maintain links with Muslim and coreligionists outside Syria.

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One exception to the official policy of religious tolerance is the treatment of Jehovah's Witnesses and Seventh-Day Adventists, who are forbidden to practice their religion or own church property.

Foreign missionaries are permitted to preach and practice. The publication of religious materials is subject to the same strict controls as secular material.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Internal travel is restricted only in the security zone of the Golan Heights and near the borders with Lebanon, Jordan, and Iraq. All citizens wishing to travel abroad must acquire passports and exit visas. In theory, Syrians can travel to other Arab countries, except Iraq, on their identification cards alone, although in practice this applies only to Lebanon. Syrian women over the age of 18 are free to travel without the permission of a male relative. However, a husband may file a request with the Ministry of Interior to prevent his wife's departure from Syria.

In general, the Government prohibits foreign travel for persons liable for military service and for certain categories of professionals, such as pharmacists, architects, and engineers, trained at public expense, who have not fulfilled 5 years of government service. Under exceptional circumstances, however, persons in these groups may obtain passports valid for 3 months and limited for travel to specific countries. Students traveling abroad for higher education must obtain permission from the Foreign Ministry and, like all Syrians, are subject to recall by the Government. Persons caught trying to travel illegally are subject to fines and detention.

Palestinians living in Syria must also obtain an exit visa from Syrian authorities. Young Palestinians sometimes experience difficulties obtaining the requisite travel document.

Jews, particularly those with significant holdings and financial ties in Syria, have found it somewhat easier to travel abroad since the mid-1970's. With some exceptions, the Government continues its policy of not issuing passports and exit visas to all members of a Jewish family at the same time. In theory, any Syrian can be required to post a bond of between $300 and $1,000 which would be forfeited in the event of nonreturn. In reality, only Jews are routinely required to post such bonds. While Jewish emigration in general is frowned upon, the Syrian Government has stated that it looks positively at cases of family reunification and of unmarried Jewish women unable to find suitable husbands in the small Syrian Jewish community. The number of unmarried Jewish women allowed to emigrate jumped dramatically in the middle of 1989 following U.S.-Syrian discussions on this issue. Any Syrian citizen caught trying to emigrate or travel abroad without permission, or suspected of having visited Israel illegally, may be arrested and be subject to criminal prosecution. In late 1987 and 1988, 10 Jews were arrested on travel violations and sentenced to incarceration of up to 2 years. Three of these persons reportedly were tortured. Three remain in jail. There were no new arrests in 1989.

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Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Syrians do not have the ability to change their government legally and peacefully. President Asad and his senior advisers maintain effective control over foreign policy, national security decisions, and key economic and social decisions. Although popular participation in presidential elections, held every 7 years, is provided for in the Constitution, Syrians have little say in the determination of their political leadership. Presidential decrees, issued when the Parliament is not in session, have the force of law and usually involve key domestic issues such as the raising of public sector wages and the prices of critical commodities. President Asad won the presidency for the third time in 1985 when, according to official sources, 99 percent of the population voted and 99 percent of those who cast ballots voted for Asad, who ran unopposed. A certain degree of regional autonomy is permitted as long as it does not challenge the central Government's authority. Major city centers, for example, exercise local administrative control. Certain ethnic and social groups, such as the Bedouin and people living in small villages, have little contact with the central Government.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government denies charges of human rights violations, often ignoring them or calling them an intrusion into its internal affairs. However, the Government responded to a 1988 U.N. Human Rights Commission (UNHRC) investigation of Syrian practices, based on a complaint by AI. The UNHRC eventually dismissed the case. AI officials visited Syria in June 1989 to attend an Arab lawyers' convention during which they met privately with Vice President Khaddam. The International Committee of the Red Cross has had only limited access to prisoners. No Syrian is willing publicly to criticize the Government for human rights actions.

In its Report covering 1988, AI noted that it had continued throughout the year to express concern to the Government about reports of arbitrary arrests, detention without trial of political suspects, torture and ill-treatment of detainees, and the imposition of the death penalty, but that the Government did not respond. It noted that the Goverment did react to an oral statement that AI made in February 1988, drawing the attention of the UNHRC to reports of the widespread and routine use of torture by the security forces and of deaths in custody of political detainees; the Government responded by expressing "regret" at the "exaggerated statement" and the "biased position" taken by AI. AI also noted that in April 1988 it had submitted information about its concerns to the U.N. and had sent a copy of its communications to the Syrian Government with an invitation to comment, but that no response had been received.

The Government frequently criticizes other countries, including Israel, Iraq, and South Africa, on human rights grounds in the U.N. and in other international bodies.

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Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Membership in the Ba'ath Party, or being a close relative of a prominent Ba'ath Party member, is important to prospering in Syria. Party connections can pave the way for entrance into better elementary and secondary schools, access to more lucrative employment, and greater power in the Government. Religion is also a factor. Members of the Alawi sect often enjoy job preference. Jews are prohibited from joining the military.

The official state of war with Israel continues to influence the status of Syrian Jews, although the community's situation has improved in recent years. Today, the Jewish community enjoys a relatively high standard of living, access to higher education, and entrance into the professions. Jews are subject to some foreign travel restrictions (See Section 4.d.), however, and are the only minority whose passports and identity cards note their religion. Jews, like other citizens of Syria, are subject to the close purview of the intelligence services. As with all other Syrians, contact between Syrian Jews and Israelis is prohibited. Jews do not hold government jobs except for a few low-level positions as clerks and teachers.

Syria's Palestinian community numbers approximately 250,000 registered with the United Nations Relief Works Agency and consists predominantly of refugees from the 1948 and 1967 Arab-Israeli wars. Several thousand Lebanese and Palestinians also fled to Syria in 1982 following the Israeli invasion of Lebanon. Palestinians are officially considered to be temporary residents pending the resolution of the Arab-Israeli conflict.

Under Syrian law, resident Palestinians enjoy equal access to employment, social services, and education. In addition, Palestinian organizations sanctioned by the Government operate social institutions within their community. Palestinians may choose their place of residence and occupation, and the majority participate fully in the local economy. With government permission, they may own more than one building or plot of land.

The Government allows the operation of those Palestinian political groups that espouse the officially sanctioned position against Yasir Arafat's policies, although their activities are carefully circumscribed. Palestinians may not vote in Syrian elections or acquire Syrian citizenship except through marriage to a Syrian male citizen. Although they currently occupy several senior positions in the bureaucracy, Palestinians are unofficially barred from the highest echelons of the Government.

The Constitution guarantees the equal rights of women and calls for the elimination of all obstacles to women's development. Historically, Syrian women have benefited from government policies, including equal pay for work of equal value.

Syrian women are active in both the public and private sector. According to official statistics, 43 percent of all women are literate, compared to a national average of 49 percent. The Government encourages women's enrollment at all levels of education, and large numbers of women attend

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universities. Government laws provide up to 3 1/2 months' paid maternity leave and ensure that a woman may return to her previous job. Moreover, all establishments of over 100 employees must provide child-care facilities. The National Women's Union, founded in 1967, pursues many of the issues facing women and seeks to protect rights already won as well as to strengthen the position of women. It is currently considering a legislative proposal which would extend a mother's custody of children to the age of 15 or 16 in divorce cases (instead of the current age of 9 for boys and 11 for girls) and is actively seeking to eradicate illiteracy among adult women.

Privately, traditional concepts of male guardianship of women continue to run against official policies. Particularly among Muslims, these concepts often limit a woman's rights in matters of marriage, divorce, child custody, inheritance, and personal decisions.

Wife beating and other physical abuse of women is known to occur, but conservative social mores in Syrian society discourage public discussion of the issue, and it is therefore difficult to estimate the extent of the problem. The Government is not known to produce official statistics on domestic abuse. Under the Syrian legal system women have access through the courts to redress any grievance caused by violent acts against them, but many cases of domestic abuse are not pursued because of the social stigma that is attached to legal proceedings in such cases.

Section 6 Worker Rights

a. The Right of Association

The Government uses the Syrian General Federation of Trade Unions (GFTU) as its framework for controlling nearly all aspects of union activity. Workers are not free to form labor unions independent of the government-prescribed structure. While unions are used to transmit instructions and information to the labor force from the Syrian leadership, there are indications that elected union leaders, as members of the Ba'ath Party, also act as a conduit through which workers' dissatisfaction is transmitted to the leadership. By law at least 51 percent of the elected members of Parliament must be workers or peasants. While strikes are not prohibited under Syrian law (except in the agricultural sector), in practice they are effectively discouraged. There were no reports of strikes in 1989.

The GFTU is affiliated with the International Confederation of Arab Trade Unions and the Communist-controlled World Federation of Trade Unions.

The 1973 Constitution affirmed the right to form trade unions. Syrian labor unions are organized sectorally and at local, provincial, and national levels. Under Syrian labor law, any group of 50 or more workers in a particular profession or sector may form a guild committee. These local committees may join to form a provincial union. The provincial unions may join with others in the same profession to form a national syndicate or union. Officials at all levels are elected through secret ballot, and the provincial unions reportedly are financially independent of the national syndicate.

However, the Committee of Experts (COE) of the International Labor Organization (ILO) has observed that only one trade union can be set up for the same occupation within the same province, and that the unions in a province can only group themselves into one provincial federation of workers, and all can group themselves into the GFTU. The COE has also noted that the GFTU has the exclusive power to determine which unions may be constituted and the right to dissolve the management committee of any trade union. Also, trade unions have a legal obligation to allocate a certain percentage of their income to the higher trade union bodies, and the Government enjoys wide powers of intervention in trade union finances.

According to the Government, there are 198 national unions in Syria which are part of the GFTU structure, and 9 professional unions. The Government maintains that while it is not illegal to set up competitive unions, the unions which belong to the GFTU chose voluntarily to do so because it most effectively advances workers' interests. GFTU officials also note that Syrian unions first developed during the 1920's and the GFTU was formed in the 1930's, long before the advent of the Arab Socialist Ba'ath Party or the Asad Government, so that Syrian legislation recognizing a single trade union system merely codifies existing practice which reflects the will of Syrian workers. The GFTU is charged with providing opinions on legislation, devising rules for workers and labor, and organizing labor. The elected President of the GFTU is a senior member of the ruling Ba'ath Party and a member of the Regional Command and, along with his deputy, participates in all Cabinet sessions. The secretaries general of the nine nonaffiliated associations, some of whom are not Ba'ath Party members, are also elected officials.

The COE in its 1987 and 1988 reports concluded that the GFTU structure amounted to a legally mandated system of trade union unity. Other observations of the COE had to do with restrictions on the right of foreign workers to join or form trade unions of their own choosing; the interference of public authorities in trade union administration; and the prohibition of strikes in the agricultural sector. In its 1989 report, the COE once again raised these issues, noting that the Syrian Government had established a working group including worker and employer representatives to examine the COE's comments.

b. The Right to Organize and Bargain Collectively

In the public sector unions do not normally bargain collectively on wage issues, but there is some evidence that union representatives participate with the representatives of the respective employer and ministry in establishing sectoral minimum wages. The Government has cited 10 specific examples of such sectoral collective bargaining agreements. In a country whose major industries are publicly held, workers make up the majority of each board of directors and always include union representation on those boards. They also monitor and enforce compliance with the labor law. In the private sector, unions are active in monitoring compliance with the laws and ensuring workers' health and safety. The unions, under the law, can undertake negotiations for collective contracts with employers, but there is no information available on whether such contracts envision that unions can also sue and be represented in court.

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c. Prohibition of Forced or Compulsory Labor

There is no law in Syria banning forced or compulsory labor. There are a few instances in which such punishment can be imposed as punishment, usually in connection with prison sentences for criminal offenses. Article 35 of the Constitution states that it is the right and duty of every citizen to work and it is a criminal offense for a government employee to resign his position without the permission of the relevant Minister.

d. Minimum Age for Employment of Children

The minimum employment age in the predominant public sector is 14, though it is higher in certain industries. The minimum age varies more widely in the private sector; the absolute minimum age is 12, while parental permission is required for children under age 16 to work. Children are forbidden to work at night. The Ministry of Social Affairs and Labor is responsible for enforcing minimum age requirements, but the number of labor investigators is small, and violation of the law may be extensive.

e. Acceptable Conditions of Work

The Government provides minimum and maximum wage limits in the public sector. Salaries are set on a monthly scale. In 1989 the President issued a decree raising public sector salaries by 25 percent while at the same time allowing the price of gasoline and some other commodities to increase by 50 percent. Two months later, following discussions among labor unions and employers, the Minister of Social Affairs and Labor announced that salaries in the private sector would also be raised by 25 percent. The lowest salary scale for an entry position, with no experience or credentials and involving no physical labor, is approximately $118 per month at the official rate of exchange. The highest public sector starting salary is approximately $235 per month for someone with a Ph.D. degree. Neither of these rates alone is sufficient to provide a decent standard of living. As a result, many workers take additional jobs or rely on extended families for support.

There is no fixed minimum wage in the private sector for permanent employees. However, the monthly minimum would not be less, in practice, than that in the public sector. According to the 1959 labor law, minimum wage levels in the private sector are set by sector and are fixed by the Minister of Social Affairs and Labor. Recommendations are put to him by a committee, formed by a representative of the Ministry of Industry or Economy and Commerce plus a representative of the employers' and of the employees' union.

Syrian labor law extensively regulates conditions of work. This includes rules and regulations which severely limit the ability of an employer to fire an employee without due cause, an issue which the employee may take to a labor committee, composed of a representative of the municipality, a judge, the Ministry of Social Affairs and Labor, the union, and the employer. In the majority of cases, such labor committees have decided in favor of the employee. Workers, once hired, cannot easily be fired. One exception in the heavily regulated labor field relates to day laborers. They are not subject to minimum wage regulations and receive compensation only for job-related injuries. They are commonly employed in

small private firms and businesses in order to avoid the costs of permanent employees who are well protected, even against firing.

The workweek consists of six 6-hour days, although in certain fields in which workers are not continuously busy, a 9-hour day is permitted. Labor laws also mandate a full 24-hour rest day per week. Employees are guaranteed 15 days of paid leave per year during the first 5 years, rising to 30 days per year for persons over age 50 or with 20 years employment. Employers are required to provide limited medical care, and establishments with more than 100 employees must hire a nurse and offer access to a physician when necessary.

Public laws mandate safety standards in all sectors, although actual enforcement depends on managers and may therefore vary. The Ministry of Social Affairs and Labor has a small Office of Health and Safety which seeks to inspect and correct unhealthy and unsafe conditions in the workplace. In addition, a worker may also file suit against his employer, charging that the unhealthy conditions are threatening his job. The Government provides disability insurance for job-related injuries. Guest workers theoretically receive the same benefits, but are often reluctant to press claims because workers' permits may be withdrawn at any time. Moreover, many work illegally and are not covered by the government system.

There is no information currently available regarding Syrian labor practices inside Syrian free-trade zones.

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Forty-fifth session
Item 32 of the preliminary list*
THE SITUATION IN KAMPUCHEA

SECURITY COUNCIL
Forty-fifth year

Letter dated 9 April 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Cambodia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith, for your information, a statement of the Democratic Kampuchea party, dated 4 April 1990, on the efforts to seek a speedy solution to the Cambodian problem (see annex).

I should be very grateful if the statement could be distributed as an official document of the General Assembly, under the item 32 of the preliminary list, and of the Security Council.

(Signed) SISOWATH Sirirath
Ambassador
Chargé d'affaires a.i.

* A/45/50.

ANNEX

STATEMENT OF THE DEMOCRATIC KAMPUCHEA PARTY ON THE EFFORTS TO SEEK A SPEEDY SOLUTION TO THE CAMBODIAN PROBLEM

The Democratic Kampuchea party would like to express once again its deep gratitude to all friendly countries, especially those of ASEAN, the Five Permanent Members of the United Nations Security Council and His Excellency Mr. Javier Perez de Cuellar, Secretary-General of the United Nations, for their contribution in the search for a comprehensive, just and durable political settlement of the Cambodian problem.

The Democratic Kampuchea party and His Royal Highness Samdech NORODOM SIHANOUK, President of Cambodia, as well as the National Government of Cambodia have successively made very important concessions and have on many occasions shown their political will to reach as soon as possible such a settlement.

The Democratic Kampuchea party would like here again to state the following:

1)- It is of the view that the 5-point peace proposal of H.R.H. Samdech NORODOM SIHANOUK is by far an equitable and feasible peace plan that will secure a comprehensive, just and durable political solution to the present war in Cambodia as well as the safeguarding of peace, security and stability in South-East Asia.

2)- It fully supports the principles contained in the 16-point Summary of Conclusions adopted by the Five Permanent Members of the UN Security Council in Paris on 16 January 1990.

3)- It shares the views of His Excellency the Secretary-General of the United Nations that the mandate to be entrusted to the United Nations should be "well-defined, realistic and practicable."

In this spirit, the Democratic Kampuchea party will continue to join its efforts with all concerned countries with a view to seeking a speedy comprehensive political settlement of the Cambodian problem.

It is to be recalled that the 16-point Summary of Conclusions adopted by the Five Permanent Members of the UN Security Council reads as follows:

(1) No acceptable solution can be achieved by force of arms.

(2) An enduring peace can only be achieved through a comprehensive political settlement, including the verified withdrawal of foreign forces, a cease-fire and the cessation of outside military assistance.

(3) The goal should be self-determination for the Cambodian people through free, fair and democratic elections.

(4) All accept an enhanced UN role in the resolution of the Cambodian problem.

(5) There is an urgent need to speed up diplomatic efforts to achieve a settlement.

(6) The complete withdrawal of foreign forces must be verified by the UN.

(7) The Five would welcome an early resumption of a constructive dialogue among the Cambodian factions, which is essential to facilitating the transition process which should not be dominated by any one of them.

(8) An effective UN presence will be required during the transition period in order to assure internal security.

(9) A special representative of the UN Secretary-General is needed in Cambodia to supervise UN activities during a transition period culminating in the inauguration of a democratically elected government.

(10) The scale of the UN operation should be consistent with the successful implementation of a Cambodian settlement and its planning and execution should take account of the heavy financial burden that may be placed on member States.

(11) Free and fair elections must be conducted under direct UN administration.

(12) The elections must be conducted in a neutral political environment in which no party would be advantaged.

(13) The Five Permanent Members commit themselves to honoring the results of free and fair elections.

(14) All Cambodians should enjoy the same rights, freedoms and opportunities to participate in the election process.

(15) A Supreme National Council might be the repository of Cambodian sovereignty during the transition process.

(16) Questions involving Cambodian sovereignty should be resolved with the agreement of the Cambodian parties.

April 4, 1990

KHIEU SAMPHAN
President of the Democratic Kampuchea party

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Letter dated 9 April 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Cambodia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith, for your information, a new proposal dated 9 April 1990, by His Royal Highness Prince Norodom Sihanouk, President of Cambodia (see annex).

I should be very grateful if you could have the document distributed as an official document of the General Assembly, under item 32 of the preliminary list, and of the Security Council.

(Signed) SISOWATH Sirirath
Ambassador
Chargé d'affaires a.i.

* A/45/50.

ANNEX

MY NEW PROPOSALS FORMULATED IN ORDER TO RESOLVE THE TRAGIC "PROBLEM OF CAMBODIA", A PROBLEM WHICH HAS REMAINED UNSOLVED DESPITE THE VIGOUROUS EFFORTS UNDERTAKEN BY THE UNITED NATIONS (IN PARTICULAR ITS SECRETARY GENERAL, H.E. JAVIER PEREZ DE CUELLAR), ASEAN, THE FIVE PERMANENT MEMBERS OF THE UN SECURITY COUNCIL AND AUSTRALIA, EFFORTS AIMING TO ENSURE THE RETURN TO CAMBODIA OF PEACE, FREEDOM, INDEPENDENCE AND TERRITORIAL INTEGRITY.

PREAMBLE

The time has come to say things as they are: As long as the Khmers Rouges (Party of Democratic Kampuchea - PDK-; NADK - National Army of Democratic Kampuchea) on the one hand, and Hun Sen's (pro - SRV) regime, on the other, oppose and reject this or that "PLAN", this or that "PROPOSAL" or SOLUTION", the very bloody and destructive war will continue in Cambodia, to the greatest detriment and misfortune of the Cambodian people and the Khmer race.

In this endless war, there will be neither winners nor losers (and that explains why the said war will not end). There will always be, however, an undoubted looser. This looser is that which I have called and continue to call with love " the small citizenry" of Cambodia. The latter constitutes the majority of the population of Cambodia.

It is, thus, important, to behave in accordance with the democratic and of moral responsibility principles and to help without delay and to the utmost of one's ability this people to recover peace and freedom, which are part of its sovereign rights.

In the new proposals of NORODOM Sihanouk that follow, there will be many important points which will be, undoubtedly, rejected by the Khmers Rouges and certain, no less important, points which will be rejected by the pro-SRV group of Hun Sen.

But, since the majority of the population of Cambodia and the immense majority of nations members of the international community (including certain ASEAN governments) demand henceforth that the 4 warring Khmer factions give triple evidence of their respect for the majority of our people, of their unselfishness (their lack of "thirst for power") and of their devotion to the ideal of Peace, my Party (FUNCINPEC), my army (the ANS) and myself, we give this triple evidence to our respected and beloved people and the international community by presenting to the other 3 warring khmer factions the new "PLAN SIHANOUK" for a practical settlement of the Cambodian issue, which follows:

/...

I. The Five Powers, Permanent Members of the United Nations Security Council and the Secretary General of the United Nations, together and with the agreement of the two (2) existing Cambodian governments: The National Government of Cambodia (NGC), recognized de jure by the United Nations, and the Government of the State of Cambodia (GSOC), installed in Phnom Penh by the Socialist Republic of Vietnam (SRV), proclaim an immediate CEASE FIRE in Cambodia with the (provisional) maintenance in their positions at the date of the proclamation of this Cease-fire of the 4 armies of the Khmer warring factions and, equally, of the Vietnamese army units still inside Cambodia, (Cease-Fire "in place" or Cease-Fire and standstill).

II. But, in order to avoid "placing the cart before the oxen", it is necessary that prior to the Cease-Fire proclamation, the 5 Permanent Members of the UN Security Council send to Cambodia (with the agreement of both the NGC and the GSOC) a strong armed contingent made up from their own respective armies but wearing the "UN Blue Helmets" and placed under the high Command of the (military) Representative of the UN Security General. These "Blue Helmets", whose Supreme Commander will be H.E. Javier de Cuellar, Secretary General of the United Nations , will be charged with implementing the Cease-Fire "in place" and preventing this or that Cambodian army from continuing to attack "the enemy" in order to try to take away from it additional territories.

It is important, in this regard, that H.E. Perez de Cuellar persuades the armed Khmer factions that Cambodia belongs to all the Cambodians and that, in the final settlement of the Cambodian issue, the area of territories occupied respectively by the four Khmer factions will not be taken into account and that in the last analysis, the United Nations will compel them to proceed together to a regrouping of the armed units in order to restrict them to barracks instead of leaving them in the territories currently occupied by them.

NOTE: I do not raise here the question of general disarming of the 4 Cambodian armies nor that of the reduction of their effectives.

These two questions profoundly divide the NCR (National Cambodian Resistance) and Mr. Hun Sen's faction supported by the SRV and the USSR.

Consequently, it would be more realistic from my part to propose, in the first instance, a "standstill"; and, afterwards, ask H.E. Perez de Cuellar and the 5 countries Permanent Members of the UN Security Council to proceed to the reconciliation among the warring Khmers and to the re-grouping of their units in barracks, while waiting for the day when it will be possible to form a National Army of Cambodia.

III In addition to the "Blue Helmets", whose effectives should essentially come from the armies of the "Five Perm" (the 5 countries Permanent Members of the UN Security Council), it is important that an International Control Mechanism (ICM) be established

by the Paris International Conference on Cambodia (PICC) and whose composition will be chosen by the PICC, in agreement with the Secretary General of the United Nations and the Leaders of the 4 Cambodian factions.

The ICM could be placed by the PICC under the Chairmanship of H.E. Javier Perez de Cuellar, represented on the spot and in permanence, in Cambodia, by a senior UN official having the trust of the Secretary General of the UN, of the PICC and of the Leaders of the 4 Cambodian factions.

NOTE: It is important to place the "Blue Helmets" and the ICM under the High Command of the same personality (H.E. Perez de Cuellar), and that in order to avoid any confusion in the minds and differences (always possible) "on the ground" between the "Blue Helmets" Command and that of the ICM.

The mission of the ICM will be:

Primo: to assist the "Blue Helmets" to "neutralize" the armies of the NCR and those of the Viets and Hun Sen, among which there could be certain units which would not hesitate, after the proclamation of the Cease-Fire, to try to violate this Cease-Fire in certain spots, by indulging in acts of revenge or of intimidation against civilians;

Secondo: to ensure the peace for the whole of the Khmer land and the freedom of the Cambodian people;

Tertio: to prepare in close co-operation with the Supreme Council of the Cambodian State the general elections and to monitor these elections during their progress.

IV. The 2 governments (NGC and GSOC) could be maintained, in conformity with the demand of Hun Sen, on condition that all their administrative powers are transferred, pending the general elections, to the United Nations Administering Authority (UNAA), and their powers, as far as foreign policy and diplomacy are concerned, are transferred to the Supreme Council of the Cambodian State.

V. A Supreme Council of the Cambodian State (SCCS) will be established. It will be composed of 6 members from the National Cambodian Resistance's side and 6 members from the Phnom Penh regime's side.

The President of the SCCS will be chosen by consensus of the 12 members of this SCCS.

In the event that, the Council reaches an equal number of "yes" votes and "no" votes, when making decisions, the President has the casting vote.

The Supreme Council of the Cambodian State will symbolize the sovereignty of Cambodia. It will entrust, pending the general

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elections, the administration of Cambodia to the United nations Administering Authority (UNAA).

VI. As far as the United Nations Administering Authority is concerned, its Chief will be the Secretary General of the United Nations, who will delegate a High Representative to take charge of operations, in permanence, on the spot, pending the general elections.

The person chosen to be this High Representative should receive the approval of the PICC and the Leaders of the 4 Cambodian factions.

VII. The following non-political and non-legislative public services and technical administrative services of the Phnom Penh regime will be maintained and placed at the disposal of the UNAA: Public Works, Refuse Collection, Cadastral survey, Doctors, Nurses, Primary and Secondary School Teachers, Postal-Telephone and Telegraphic Services, Technical staff at Ports, Airports and Railways.

VIII. The general elections in Cambodia, will be jointly organized by the Supreme Council of the Cambodian State and the United Nations Administering Authority. They will be monitored by the ICM.

But, these general elections will not take place, as long as the following tasks have not been completed:

a) The control and dismantling of the caches of arms of the Vietnamese, the Khmers factions and other armed groups Cambodian or Foreign.

This will be the task of the UNAA, of the "Blue Helmets" and the ICM, assisted by qualified representatives of the SCCS.

b) The verification of the presence of armed Vietnamese elements and illegal immigrants, which should be repatriated under the auspices of the International Committee of the Red Cross and the UN High Commissioner for Refugees.

This will be the task of the UNAA and the ICM, assisted by qualified representatives of the SCCS.

c) The census of the population of Cambodian nationality and that of non-Cambodian nationality in Cambodia, with information on the date of birth of each person of both sexes.

This will be the task of the UNAA, assisted by qualified representatives of the SCCS.

d) Verification of the original line of the land and sea borders

of Cambodia internationally recognized until the 17th march 1970 (the eve of Lon Nol's Putsch), and in conformity with the official maps prevailing in 1969.

This will be the task of the UNAA, the ICM and the SCCS.

NOTE: Taking into consideration the very great importance, the difficulty and the unavoidable length of the above mentioned tasks, the general elections should not take place before 2 or 3 years, as from the date of the proclamation of the Cease-Fire.

Besides, it is well understood that the preceding tasks (a, b, c, d) can only be undertaken (practically) after the Cease-Fire with standstill (the freezing of the positions of the warring forces) on Cambodia's soil.

Furthermore, this freezing of the positions (...) will have as notable advantage, the avoidance of the de facto partition of Cambodia because, as it can be seen currently, none of the warring armies in Cambodia is able to avoid that enemy forces do not come in between this or that zone under its control.

For example, the Khmer Rouge Army (NADK) is able to establish itself a little everywhere in Cambodia, including in those provinces neighbouring Phnom Penh, while Hun Sen's and Vietnam's units occupy zones in between the NADK zones and those of the ANS in the provinces of Battambang, Oddar Meanchey and Kompong Thom.

Thus, there is no demarcation line between the armed forces of the NCR and those of Phnom Penh and Vietnam, except as far as the provinces of Stung Treng, Rattanakiri and Mondulkiri by the Vietnamese, whose repatriation is necessary.

IX. The SCCS should proclaim the neutrality of Cambodia and the PICC should offer its recognition and guarantee to Cambodia as a neutral State.

Freedom Village (ANS zone),
Province of Oddar Meanchey,
Cambodia
On the 9th April 1990

(signed)

NORODOM SIHANOUK

UNITED NATIONS

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General Assembly
Economic and Social Council

Distr.
GENERAL

A/45/210
E/1990/21
10 April 1990

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-fifth session
Item 12 of the preliminary list*
REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

ECONOMIC AND SOCIAL COUNCIL
First regular session of 1990
Item 3 of the provisional agenda**
HUMAN RIGHTS QUESTIONS

Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region

Report of the Secretary-General

1. By its resolution 43/140 of 8 December 1988, the General Assembly took note of the Secretary-General's report (A/43/170-E/1988/25) and requested the Secretary-General to continue to assist and encourage the Executive Secretary of the Economic and Social Commission for Asia and the Pacific (ESCAP) to pursue the establishment, within existing resources, of a depository centre for United Nations human rights materials within the Commission at Bangkok, the function of which would include the collection, processing and dissemination of such materials in the Asian and Pacific region. The Assembly also renewed its invitation to States members of ESCAP that had not yet done so to communicate to the Secretary-General as soon as possible their comments on the report of the Seminar on National, Local and Regional Arrangements for the Promotion and Protection of Human Rights in the Asian Region and, in particular, to address themselves to the conclusions and recommendations in the report concerning the development of regional arrangements in Asia and the Pacific. The Assembly also requested the Secretary-General to ensure a continuing flow of human rights material to the library of ESCAP for appropriate dissemination in the region. The Assembly also requested the Secretary-General to submit a further report to the Assembly at its forty-fifth session, through the Economic and Social Council, incorporating information on progress achieved in the implementation of this resolution. The present report is prepared in response to that request.

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2. The attention of the General Assembly is called to the report of the Secretary-General submitted to the Commission on Human Rights at its forty-sixth session (E/CN.4/1990/18 and Add.1). That report, which contains the relevant information requested by the General Assembly in accordance with paragraphs 2, 3 and 4 of Assembly resolution 43/140, is also being made available to the Economic and Social Council and the Assembly.

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General Assembly Security Council

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S/21243
10 April 1990
ENGLISH
ORIGINAL: ARABIC

GENERAL ASSEMBLY
Forty-fifth session
Item 35 of the preliminary list*
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Forty-fifth year

Letter dated 10 April 1990 from the Chargé d'affaires a.i. of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government and further to our previous letters concerning the acts of aggression committed by Israel against Lebanon, I have the honour to inform you that on 8 April 1990 armoured vehicles and artillery of the Israeli occupation forces shelled the villages of Zawtar El-Gharbiye, Zawtar El-Charqie, Choukine, Mayfdoun, Kakayet El-Jisr, Mouhit Kfartebnit and Mazraat El-Jisr, taking aim at dwellings and shelters in which the inhabitants of these villages had sought refuge. The shelling, which lasted from noon to 4.30 p.m., left one person dead (Habib Cheissi) and eight wounded among the civilian population.

At 7 a.m. on Monday morning (9 April), while the inhabitants of these places were preparing to bury the victim, they were surprised by a hail of artillery shells fired on the cemetery and the house of the deceased. They dispersed before they were able to bury the dead man.

In protesting against and condemning these fresh acts of aggression constituting a violation of international custom, which demonstrate that Israel has no respect for human life and absolutely no concern for the safety of the civilian population, the Government of Lebanon reserves the right to request the convening of a meeting of the Security Council to consider the situation created by these acts of aggression.

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* A/45/50.

I should be grateful if you would have the text of this letter circulated as a document of the General Assembly, under item 35 of the preliminary list, and of the Security Council.

(Signed) Chawki CHOUERI
Ambassador
Chargé d'affaires a.i.

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General Assembly Security Council

Distr.
GENERAL

A/45/212
S/21244
10 April 1990

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-fifth session
Item 32 of the preliminary list*
THE SITUATION IN KAMPUCHEA

SECURITY COUNCIL
Forty-fifth year

Letter dated 10 April 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Cambodia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith for your information a press statement, dated 9 April 1990, by His Excellency, Son Sann, Prime Minister of the National Government of Cambodia and President of the Khmer People's National Liberation Front (see annex).

I would be very grateful if the statement could be distributed as an official document of the General Assembly, under item 32 of the preliminary list, and of the Security Council.

(Signed) IENG Kounsaky
Ambassador
Chargé d'affaires a.i.

* A/45/50.

ANNEX

Press statement dated 9 April 1990 by the Prime Minister of the National Government of Cambodia and President of the Khmer People's National Liberation Front

As President of the Khmer People's National Liberation Front (KPNLF), I should like to reiterate that my party has always supported a comprehensive political solution for the Cambodian problem, created by the invasion and occupation of Cambodia by the Vietnamese troops since 25 December 1978.

Therefore, the KPNLF is grateful to all the previous international initiatives, such as the first and second Jakarta Informal Meetings, the International Conference on Cambodia held in Paris, the Informal Meeting on Cambodia, held in Jakarta from 26 to 28 February 1990, the Australian Proposal after the ideas of the United States Congressman Stephen Solarz, the Meetings on Cambodia of the five permanent members of the United Nations Security Council in Paris and New York, and other non-governmental approaches, such as the International Peace Academy's Meeting in Montebello, Canada, as well as private initiatives. We also welcome further initiatives from the United Nations Secretary-General, His Excellency Javier Pérez de Cuéllar, in order to prepare and organize free and general elections for the Cambodian People in a neutral atmosphere, in which the role of the United Nations is essential.

To reach this aim, the KPNLF urges all the Cambodian parties to come up with a compromise solution, in order to allow the Cambodian People to determine freely the régime of their choice, free from fear of the Vietnamese domination and presence, and free from the threat of the crimes against humanity perpetrated by the Cambodian Communist parties. In that context, the KPNLF welcomes the recent proposal of His Royal Highness Samdech Norodom Sihanouk for the convening of a meeting among the four Cambodian parties in Bangkok with the relevant Thai authorities.

The recent Convention of the KPNLF of Northern America, held in Washington D.C. from 4 to 7 April 1990, with the participation of the KPNLF representatives from all over the world and from Cambodia, has approved the resolution urging all the Cambodian parties to put an end to the obstacles set on the road to the self-determination of the Cambodian People.

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General Assembly

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GENERAL

A/45/213
11 April 1990
ENGLISH
ORIGINAL: FRENCH

Forty-fifth session
Item 63 of the preliminary list*

IMPLEMENTATION OF THE DECLARATION OF THE INDIAN OCEAN AS A ZONE OF PEACE

Note verbale dated 6 April 1990 from the Permanent Mission of France to the United Nations addressed to the Secretary-General

The Permanent Mission of France to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to inform him that, as of today, it will no longer participate in the work of the Ad Hoc Committee on the Indian Ocean. The reasons for this are set out in the annex to this note.

The Permanent Mission of France would be grateful if the Secretary-General could arrange to have the text of this note and its annex distributed as an official document of the General Assembly under item 63 of the preliminary list and have it brought to the attention of the Ad Hoc Committee on the Indian Ocean at its next session, in accordance with General Assembly resolution 44/120 of 15 December 1989, which is to be held from 16 to 20 April 1990.

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* A/45/50.

ANNEX

Memorandum

France has decided to withdraw from the Ad Hoc Committee on the Indian Ocean. France will not participate in the forthcoming meetings of the Ad Hoc Committee nor in the preparations for the Conference on the Indian Ocean called for in General Assembly resolution 44/120.

Two considerations have led the French authorities to take this decision. First of all, the principle of consensus, which has guided the work of the Ad Hoc Committee since its inception, was broken when General Assembly resolution 44/120 was put to a vote and 10 of the 11 Western States members of the Committee voted against it or abstained. Secondly, resolution 44/120 calls for the convening of a conference even though the Ad Hoc Committee has not yet reached an agreement on the matters the Conference would actually discuss.

As the representative of France clearly stated in his explanation of vote on resolution 44/120 at the most recent session of the General Assembly, the 1971 Declaration on the Indian Ocean as a Zone of Peace raises serious difficulties, particularly as it refers to great Power confrontation in the region without mentioning the causes of instability there. Under no circumstances could the French authorities agree to the convening of a conference on the basis of that Declaration.

The decision not to participate in a conference on the Indian Ocean under the current circumstances is in keeping with General Assembly resolution 43/79. It is obvious that, under the terms of that resolution, the completion of the preparatory work - which specifically implies an agreement on the matters to be discussed at the Conference - must precede the holding of the Conference.

The French authorities note that the declaration on security and international disarmament contained in the final documents of the Ninth Conference of Heads of State or Government of the Movement of Non-Aligned Countries, held at Belgrade from 4 to 7 September 1989, stresses the importance of the participation of the permanent members of the Security Council and the major maritime users of the Indian Ocean in the process of making that Ocean a "zone of peace". Under the current circumstances, however, this process will not enjoy the participation of three of the five permanent members of the Security Council nor, apparently, of a significant number of the major maritime users of the Indian Ocean. In conclusion, the continued participation of France in a process based on the 1971 Declaration no longer seems to serve any purpose.